



# Senate

General Assembly

**File No. 699**

January Session, 2009

Substitute Senate Bill No. 141

*Senate, April 20, 2009*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING REVIEW OF GUARDIAN AD LITEM COMPENSATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-132 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) In any proceeding before a court of probate or the Superior  
4 Court including the Family Support Magistrate Division, whether  
5 acting upon an appeal from probate or otherwise, the judge or  
6 magistrate may appoint a guardian ad litem for any minor or  
7 incompetent, undetermined or unborn person, or may appoint one  
8 guardian ad litem for two or more of such minors or incompetent,  
9 undetermined or unborn persons, if it appears to the judge or  
10 magistrate that one or more persons as individuals, or as members of a  
11 designated class or otherwise, have or may have an interest in the  
12 proceedings, and that one or more of them are minors, incompetent  
13 persons or persons undetermined or unborn at the time of the  
14 proceeding.

15 (b) The appointment shall not be mandatory, but shall be within the  
16 discretion of the judge or magistrate.

17 (c) Any order or decree passed or action taken in any such  
18 proceeding shall affect all the minors, incompetent persons or persons  
19 thereafter born or determined for whom the guardian ad litem has  
20 been appointed, in the same manner as if they had been of the age of  
21 majority and competent and present in court after legal notice at the  
22 time of the action or the issuance of the order or decree.

23 (d) Any appointment of a guardian ad litem may be made with or  
24 without notice and, if it appears to the judge or magistrate that it is for  
25 the best interests of a minor having a parent or guardian to have as  
26 guardian ad litem some person other than the parent or guardian, the  
27 judge or magistrate may appoint a disinterested person to be the  
28 guardian ad litem.

29 (e) When the appointment is made in connection with the settlement  
30 of a decedent's estate or the settlement of the account of a trustee or  
31 other fiduciary, the person so appointed shall be authorized to  
32 represent the minor or incompetent, undetermined or unborn person  
33 in all proceedings for the settlement of the estate or account and  
34 subsequent accounts of the trustee or other fiduciary, or until his or her  
35 appointment is terminated by death, resignation or removal.

36 (f) The guardian ad litem may be removed by the judge or  
37 magistrate which appointed [him] the guardian ad litem, without  
38 notice, whenever it appears to the judge or magistrate to be in the best  
39 interests of the ward or wards of the guardian.

40 (g) Any guardian ad litem appointed under the provisions of this  
41 section may be allowed reasonable compensation by the judge or  
42 magistrate appointing [him] the guardian ad litem and shall be paid as  
43 a part of the expenses of administration. Any interested party may file  
44 a motion with the judge or magistrate for a review of the compensation  
45 allowed by the judge or magistrate under this section. Such motion  
46 may include a written request that the motion for review be

47 transferred for a hearing and determination by a different Superior  
48 Court judge or family support magistrate, in accordance with the rules  
49 of the judges of the Superior Court, or, if the motion is pending in a  
50 court of probate, transferred for a hearing and determination by a  
51 different judge of probate. The judge or magistrate shall schedule a  
52 hearing on such motion not later than seven days after the filing of  
53 such motion, or shall transfer such motion pursuant to such written  
54 request not later than seven days after the filing of such written  
55 request, in which event the judge or magistrate to whom the motion is  
56 transferred shall schedule a hearing not later than seven days after  
57 such transfer. The judge or magistrate shall issue a determination on  
58 such motion not later than fourteen days after the hearing, unless the  
59 matter is continued for good cause.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2009	45a-132
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**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact to allow an interested party to review the compensation of a court-appointed guardian ad litem.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 141*****AN ACT CONCERNING REVIEW OF GUARDIAN AD LITEM  
COMPENSATION.*****SUMMARY:**

By law, judges and family support magistrates (FSM) may appoint guardians ad litem (GAL) to represent the best interests of a minor child, incompetent person, or unborn or undetermined child. This bill creates a procedure by which interested parties may get an independent judge to review a GAL's court-approved fees. It is unclear who may be considered "interested parties" in this context.

Under the bill, they may file a motion for a review of the fees with the trial court judge or FSM who approved them, along with a written request that the motion be transferred to a different Superior or probate court judge or FSM, as appropriate, for a hearing and determination. The trial judge must either (1) schedule a hearing within seven days or (2) grant the motion and transfer the matter to another judge or FSM. In the latter case, the new judge or FSM must schedule a hearing within seven days of the transfer. He or she must issue a determination within 14 days after the hearing, unless the matter is continued for good cause.

EFFECTIVE DATE: October 1, 2009

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 1 (03/31/2009)